

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

BRENT J. BRANT,

Plaintiff,

v.

PASCO POLICE; JASON MILLER,  
FRANKLIN COUNTY SUPERIOR  
COURT; SHAWN SANT; LOURDES  
MENTAL HEALTH; OFFICE OF  
PUBLIC DEFENSE; FRANKLIN  
COUNTY SHERIFF'S OFFICE; CITY  
OF PASCO; and FRANKLIN COUNTY  
PROSECUTING ATTORNEY,

Defendants.

NO: 4:20-CV-5034-TOR

ORDER OF DISMISSAL  
WITHOUT PREJUDICE

BEFORE THE COURT is the Report and Recommendation (ECF No. 5).

This matter was submitted for consideration without oral argument. Having reviewed the file and the records contained therein, the Court is fully informed.

On February 24, 2020, Plaintiff Brent J. Brant filed an Application to Proceed in District Court without Prepaying Fees or Costs. ECF No. 2 (sealed). A Magistrate Judge denied the application because it did not contain all the required

1 information. ECF No. 3. The Magistrate Judge ordered Plaintiff to proffer the full  
2 filing fee or submit a properly completed Application to Proceed *in forma*  
3 *pauperis*, within 30 days of the order, ECF No. 3, which was extended to April 20,  
4 2020 by subsequent Order, ECF No. 4. Plaintiff did not comply. The Magistrate  
5 Judge then recommended the case be dismissed without prejudice and allowed  
6 Plaintiff another 14-days to object. ECF No. 5. Fourteen days have expired and  
7 Plaintiff has not objected or complied with the filing fee requirement.


8 Payment of a filing fee is required to institute a suit in the United States  
9 District Courts, 28 U.S.C. § 1914, while the *in forma pauperis* statute allows the  
10 courts to waive the filing fee for indigent persons, 28 U.S.C. § 1915. Failure to  
11 comply with either provision for instituting a suit warrants dismissal of the action.  
12 *See Rodriguez v. Cook*, 169 F.3d 1176 (9th Cir. 1999) (appeal dismissed for failure  
13 to pay the filing fee or be eligible for *in forma pauperis* status).

14 **ACCORDINGLY, IT IS HEREBY ORDERED:**

15 This action is **DISMISSED without prejudice**

16 The District Court Executive is hereby directed to enter this Order and  
17 Judgment accordingly, furnish copies to Plaintiff at his last known address, and  
18 **CLOSE** the file. DATED May 14, 2020.



  
THOMAS O. RICE  
Chief United States District Judge